

REMARKS

Applicants have amended Claim 18 to specify the inventive dosage range for treating human liver cancer via hepatic artery administration using MMDX, said range being “from about 100 mcg/m² to about 1000 mcg/m²” as previously appeared in now canceled Claim 28. Claim 29 is amended to conform dependency.

New Claims 38-39 are to the infusion and bolus administration aspects of the invention, and depend from Claim 18.

New Claims 40-42 are to specific embodiments of cancer and practices of the invention.

No new matter is involved.

Claims 19, 25, 28 and 31-33 are canceled without prejudice or disclaimer, and with reservation of rights to re-present same and otherwise.

The pending claims are Claims 18, 20-23, 26-27, 29-30, 34-42.

Turning to the Official Action:

35 U.S.C. §103

The previous rejection under 35 U.S.C. §103 citing Bakker et al. as the primary reference has been withdrawn. In its place, the Official Action rejects the claims under 35 U.S.C. §103 restating a previously employed combination of art —namely, Bargiotti et al. (US 5,304,687) in view of: Kuhl et al. (Cancer Chemother. Pharmacol., 1993, 33, 10-16), Nakamura et al. (Gan. To Kagaku Ryoho 1988, Aug 15 (8 Pt2), 2562-7, English Abstract), Gorbunova (Intrahepatic Arterial Infusion...Liver, 1990), and Brem et al. (US 5626862).

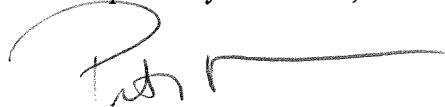
Applicants find that this same combination of art was used at least in the Official Action of January 28, 2011 (see e.g. page 5 thereof) to reject the claims then pending under 35 U.S.C. §103. Notably, this rejection was “withdrawn” by the following Official Action (May 10, 2011). Applicants note that the claims upon which this withdrawal occurred were the same as those presently rejected, prior to the amendments herein.

Notwithstanding, Applicants have amended the claims so that all embody the surprisingly low dosage levels needed for liver cancer treatment with MMDX when administered through the hepatic artery. None of the art of record in any way suggests such low doses would entail with MMDX in this circumstance, among other advantages. The practice now claimed is not obvious over the combination cited.

WHEREFORE, it is believed the application is in condition for allowance, passage to which is earnestly solicited.

Should the Examiner wish to discuss this case in any respect, they are encouraged to contact the undersigned as indicated hereinbelow.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

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